

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNIVERSAL UNDERWRITERS  
INSURANCE COMPANY as subrogee  
of King Chrysler Jeep Dodge, LLC,

CIVIL ACTION

Plaintiff,

Doc. NO. 2:11-cv-01153-NBF

v.

DEDICATED LOGISTICS, INC.,  
Defendant/Cross Claimant/Cross  
Counterclaim Defendant, and  
PENNSYLVANIA POWER COMPANY,  
Defendant/Cross Claimant/Cross  
Defendant/Counterclaimant,

**DEFENDANT DEDICATED LOGISTICS, INC.'S DAUBERT MOTION TO EXCLUDE  
THE OPINION TESTIMONY OF PENNSYLVANIA POWER'S EXPERTS, TRANSCON  
CSI AND R.A. SIMPSON CONSULTING PURSUANT TO FEDERAL RULES OF  
EVIDENCE 104 AND 702, et seq.**

Defendant/Cross Claimant/Cross Defendant/Counterclaimant, Dedicated Logistics, Inc., (“Dedicated”) through its attorneys, Pion Nerone Girman Winslow & Smith, P.C. and pursuant to Rules of Evidence 104 and 702 *et seq.*, respectfully submit that the opinions of Penn Power’s experts upon which Penn Power relies to assert their theory that the tractor struck the guy wire attached to the subject pole which caused the service wire to lower at which time it was snagged by the trailer are without the requisite methodology and thus should be excluded at trial.

In support of this requested relief, Dedicated incorporates herein the Brief accompanying this Motion and appends hereto the following:

Exhibit A- Deposition Testimony of William A. Glenn, Jr.

Exhibit B- Affidavit of Ashley L. Dunn

- Exhibit C- Supplemental SEA Report
- Exhibit D- Rule 26 Expert Disclosures of TransCon
- Exhibit E- Deposition Testimony of Glen F. Reuschling
- Exhibit F- Deposition Testimony of Al Dunn, Ph.D., P.E.
- Exhibit G- Robert A. Simpson Report
- Exhibit H- Deposition Testimony of Robert A. Simpson

WHEREFORE, Dedicated respectfully requests that this Honorable Court enter an Order granting the within Motion to Exclude.

Respectfully submitted,

PION, NERONE, GIRMAN, WINSLOW  
& SMITH, P.C.

By: /s/ Timothy A. Montgomery  
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Attorneys for DEDICATED LOGISTICS, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Defendant Dedicated Logistics, Inc.'s Daubert Motion to Exclude The Opinion Testimony of Pennsylvania Power's Experts, Transcon CSI and R.A. Simpson Consulting Pursuant to Federal Rules of Evidence 104 and 702, *et seq.*, was served on counsel of record electronically through the ECF filing system on this 11<sup>th</sup> day of August, 2014 as follows:

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